

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EDWIN H PEREZ,

Plaintiff,

-against-

GEE VEE TRUCKING, INC., and JOHAN A.
BONILLA-GOMEZ,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 1/28/2021

1:20-cv-00691-MKV

ORDER TRANSFERRING CASE

MARY KAY VYSKOCIL, United States District Judge:

This case was initiated by the filing of Plaintiff's Complaint [ECF No. 1] on January 29, 2020. After Defendants answered the complaint [ECF No. 13], the Court held an initial pretrial conference with the Parties on December 16, 2020. At the conference, the Court ordered the Parties to submit letter briefs regarding whether this Court was the proper venue for this action. *See* Order, ECF No. 21. The Parties submitted letter briefs on December 28, 2020, with both Parties expressing that the District of New Jersey, and not this Court, is the proper venue for this case. The Parties have requested transfer to the Newark Division of the District of New Jersey. *See* Defendant's Letter, ECF No. 22, at 3; Plaintiff's Letter, ECF No. 23, at 1.

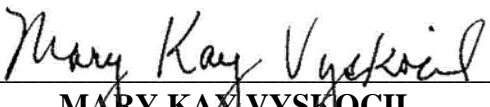
The Court agrees that this case should be transferred. Plaintiff, a New York resident, has brought suit against Defendants, a New Jersey corporation and a New Jersey resident, following an automobile accident that took place in Old Bridge, New Jersey. The relevant venue statute provides that venue is appropriate either "in a judicial district where any defendant resides," or "a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred." 28 U.S.C. § 1391(b). Since all Defendants are residents of New Jersey, and since the accident in question occurred in New Jersey, venue is proper in New Jersey and not in the Southern District of New York.

Therefore, because the case is properly heard in New Jersey and because the Parties consent to transfer, IT IS HEREBY ORDERED that this case is transferred to the District of New Jersey. *See* 28 U.S.C. § 1404(a). The Parties may request assignment to the Newark Division once the case has been transferred if it is assigned to a different Division. *See* 28 U.S.C. § 1404(b).

The Clerk of Court respectfully is requested to transfer this case to the District of New Jersey and close the case in this District.

SO ORDERED.

Date: January 28, 2021
New York, New York



MARY KAY VYSKOČIL
United States District Judge